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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 FREDERICK J. BENSON,

11 Petitioner,

12 vs.

13 MICHAEL BUDGE, *et al.*,

14 Respondents.
15 _____

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) 3:05-cv-0464-PMP-VPC
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ORDER

16 This action proceeds on a petition for a writ of habeas corpus pursuant to 28 U.S.C.
17 §2254, by Frederick J. Benson, a Nevada prisoner represented by counsel.

18 Before the Court is petitioner's motion to reopen the case following his return to state
19 court. ECF No. 33. No opposition to the motion has been filed by respondents. Therefore, good
20 cause appearing, the motion shall be granted.

21 **IT IS THEREFORE ORDERED** that petitioner's motion to reopen his action (ECF
22 No. 33) is **GRANTED**.

23 **IT IS FURTHER ORDERED** that the clerk shall reopen this action and shall detach
24 and filed the exhibits to this motion as supplemental exhibits to the First Amended Petition issuance
25 of the remittitur by the Supreme Court of Nevada at the conclusion of the state court proceedings.

26 **IT IS FURTHER ORDERED** that the respondents shall have forty-five days to file

1 their answer to the first amended petition, which shall include any and all affirmative or procedural
2 defenses and shall address the merits of the claims presented therein. Thereafter, petitioner shall
3 have forty five days to file his reply.

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5 Dated this _23rd day of February, 2012.

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7 
8 UNITED STATES DISTRICT JUDGE